

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #2531CC
Williamsburg Planned Unit Development (PUD)

PROPOSAL: Adjust the rear yard setback from 27.5' to 20.5' to allow an addition to the existing house.

LOCATION: 3821 Williamsburg Drive

CONCLUSION: If approved, the applicant will be allowed to enclose a patio to make an indoor sunroom while retaining a 20.5' setback from the rear property line. The impact of the reduction to the required setback is not significant and should not negatively impact surrounding properties.

RECOMMENDATION:

Waiver: Rear setback from 27.5' to 20.5' Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 6, Williamsburg Village Addition

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Single-family residence

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|---------------------------|-----|
| North: | Single-family Residential | R-3 |
| South: | Single-family Residential | R-3 |
| East: | Single-family Residential | R-3 |
| West: | Single-family Residential | R-3 |

ASSOCIATED APPLICATIONS:

HISTORY:

On **July 9, 2001**, City Council approved Change of Zone #2531BB increasing the amount of commercial floor area from 32,000 to 35,300 square feet for the area located southwest of the intersection of South 34th Street and Old Cheney Road.

On **June 21, 1999** City Council approved Change of Zone #2531AA which replaced 26 townhome units with 125 dwelling units for elderly housing, and 60 dwelling units for assisted living on property located between S. 38th Street and S. 40th Street north of Pine Lake Road.

In **November 1996** City Council approved Change of Zone 2531Z, which approved 26 townhome units on property located between S. 38th Street and S. 40th Street north of Pine Lake Road.

On **March 11, 1996** City Council approved Change of Zone #2531Y, which approved an 8,300 square foot commercial/retail building on this lot. This application superceded Change of Zone #2531X.

On **August 14, 1995** City Council approved Change of Zone #2531X which approved 32,000 square feet of commercial space located on the southwest corner of S. 34th Street and Old Cheney Road.

On **April 3, 1995** City Council approved Change of Zone #2531W which approved an additional 7,460 square feet of floor area to the existing day care center and to increase the number of children who may be provided day care at the center from 110 to 150.

On **April 10, 1995** City Council approved Change of Zone #2531U which approved 300 elderly dwelling units at approximately S. 34th Street and Faulkner Drive.

On **September 6, 1994** City Council approved Change of Zone #2531T which approved a pedestrian way easement for a hiker/biker trail near S. 38th Street and West Savannah Circle.

On **June 28, 1993** City Council approved Change of Zone #2531S, which approved the realignment of S. 38th Street and reduced density from 180 multiple family dwelling units to 48 dwelling units consisting of 24 two-family dwellings. This application was subsequently withdrawn.

On **November 16, 1992** City Council approved Use Permit #58, for a total of 477,200 square feet of commercial space for the commercial area east S. 34th Street and south of Old Cheney Road. Use Permit #58C to increase the total commercial area to 671,900 square feet was approved by the City Council on May 1, 1995.

On **September 14, 1992** City Council approved Change of Zone #2531R, which approved 74 single family units, 2 multiple family area and 2 outlots at S. 34th Street and Pine Lake Road.

On **July 6, 1992** City Council approved Change of Zone #2688, which changed the zone of the 80 acre commercial area from R-3 PUD to B-2 and O-3 zoning. That conversion did not include Outlot A at 34th & Old Cheney Road, which remained zoned R-3 PUD.

On **June 1, 1992** City Council passed Change of Zone #2531Q, which revised approved signage for property located at 3901 Faulkner Drive.

On **September 16, 1991** City Council approved Change of Zone #2531P, which approved a 3-story, 42,500 square foot office building in the corporate office park portion of Williamsburg PUD located at Village Drive and Union Road.

On **March 11, 1991** City Council approved Change of Zone #2531O, which approved a total of 24,000 square feet of office/general commercial buildings on property located at 40th Street and Faulkner Drive.

On **March 25, 1991** City Council approved Change of Zone #2531N, which approved the development of 16.44 acres as 10 single family lots and 2 outlots west of S. 34th Street north and south of Browning extended.

On **March 4, 1991** City Council approved Change of Zone #2531L, #2531K, and #2531J which approved the development of 90.1 acres for medium density and single family residential dwellings on property located south of Faulkner Drive and southwest of Cape Charles Drive.

On **October 1, 1990** City Council approved Change of Zone #2531I, which approved a 5,000 square foot office building on the southwest corner of Orwell Street and S. 34th Street.

On **October 1, 1990** City Council approved Change of Zone #2531H, which approved the development of 18 two-family dwellings on the northwest corner of Orwell Street and S. 34th Street.

On **October 1, 1990** City Council approved Change of Zone #2531G, which approved an 18,000 square foot office building south of Old Cheney Road, north of Village Drive.

On **October 1, 1990** City Council approved Change of Zone #2531F, which approved 13,000 square feet of retail/office space; 6,000 square feet of financial, 13,000 square feet of commercial and 6,000 square feet of restaurant on the southwest corner of Old Cheney Road and 40th Street.

On **October 1, 1990** City Council approved Change of Zone #2531E, which approved a 7,000 square foot convenience store on the southwest corner of Old Cheney Road and Village Blvd.

On **October 1, 1990** City Council approved Change of Zone #2531D, which approved a 5,000 square foot restaurant located on the southwest corner of Duxhall Drive and S. 40th Street.

On **September 24, 1990** City Council approved Change of Zone #2531C, which approved a 6,000 square foot office space and 232 apartment units on the southwest corner of Faulkner Drive and S. 40th Street.

On **July 9, 1990** City Council approved Change of Zone #2531B, which approved a 5,000 square foot convenience store and automobile fuel pumps south of Old Cheney Road west of S. 40th Street.

On **June 1990** City Council approved Change of Zone #2531A, which approved a 5,000 square foot day care center on the southeast corner of Orwell Street and Old Cheney Road.

On **June 25 1990**, this area was approved in a Preliminary Planned Unit Development as Medium Density Residential with 96 dwelling units. The Preliminary PUD approved 483,200 SF of commercial space. In the original preliminary PUD, Outlot A was shown for 28 dwelling units in duplexes.

This area was changed from "A-1" Single Family to "R-3" Residential during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map of the Comprehensive Plan designates this area as urban residential.

ANALYSIS:

1. This request seeks an adjustment to the rear yard setback from 27.5' to 20.5' to allow the addition of a sunroom onto the existing home located at 3821 Williamsburg Drive. The proposed addition is 12' x 14.5'.
2. This property is located in the R-3 district. The setbacks are as follows: Front - 20'; Side - 5'; and Rear - the smaller of 30' or 20% of the lot depth (in this case 27.5'). While setbacks can be adjusted by City Council as part of the PUD, no setback adjustments for the single-family residential areas were approved for the Williamsburg PUD.

3. While irregularly shaped and appearing to front onto two streets, the lot is actually a typical interior lot. As shown on the attached survey, the lot is adjacent to Outlot C to the north, and as a result is not considered a corner lot. The rear lot line is opposite the lot line adjacent to Williamsburg Drive.
4. If approved, the requested adjustment will allow the existing patio to be enclosed to create an attached sunroom 20.5' from the rear property line. The rear yard of the subject property abuts the rear yard of neighboring lots, and the reduction should not have a significant impact on those neighboring properties.
5. This adjustment only applies to the subject lot, and does not affect other lots within the PUD. All other lots must comply with the applicable requirements of the R-3 district.
6. If this request is denied, the owner can apply for a variance from the Board of Zoning Appeals (BZA) which is authorized to hear such requests. However, before applying to the Board, the owner is required to first exhaust all administrative remedies which includes seeking an amendment to the PUD.

CONDITIONS OF APPROVAL:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Show the dimension from the setback line to the property line.
2. This approval adjusts the rear setback from 27.5' to 20.5' to allow an addition to the existing house.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.

3.3 Final plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the addition all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.3 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The City Clerk shall file a copy of the ordinance approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinance approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
August 31, 2005

APPLICANT/

OWNER: Jerry and Annette Weber
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Lincoln, NE 68516
(402) 421-1850

CONTACT: DaNay Kalkowski
Seacrest and Kalkowski
1111 Lincoln Mall
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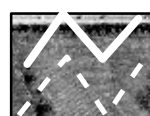


Change of Zone #2531CC **3821 Williamsburg Drive**

Zoning:

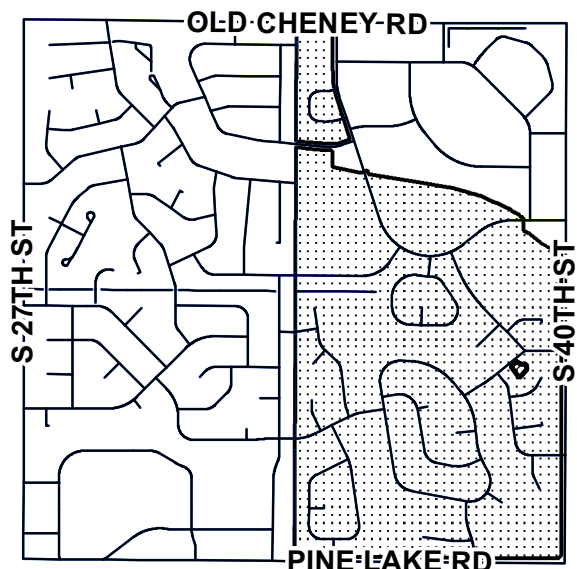
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

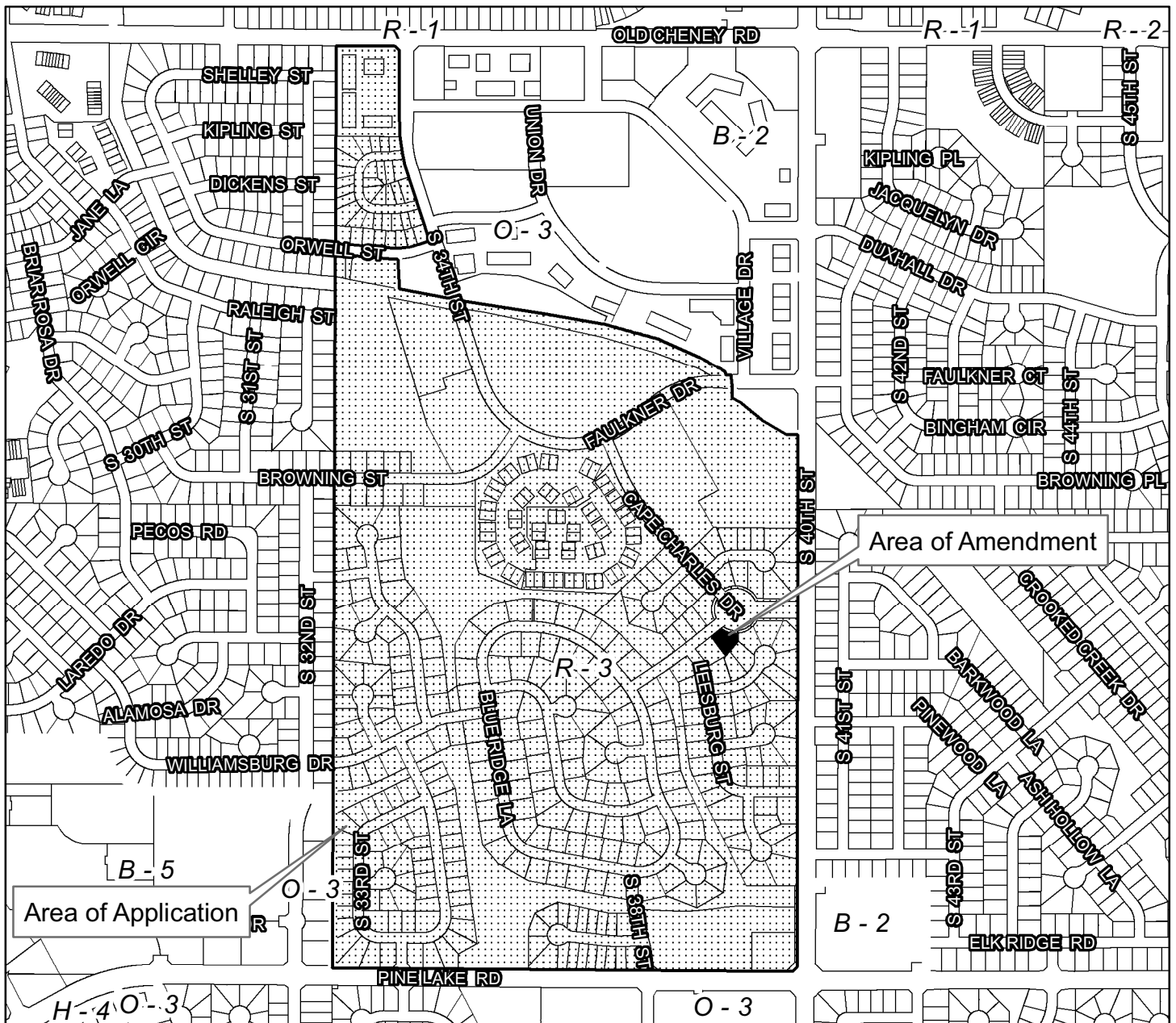
One Square Mile
 Sec. 18 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction





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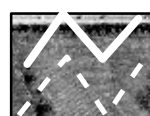
2005 aerial

Change of Zone #2531CC 3821 Williamsburg Drive

Zoning:

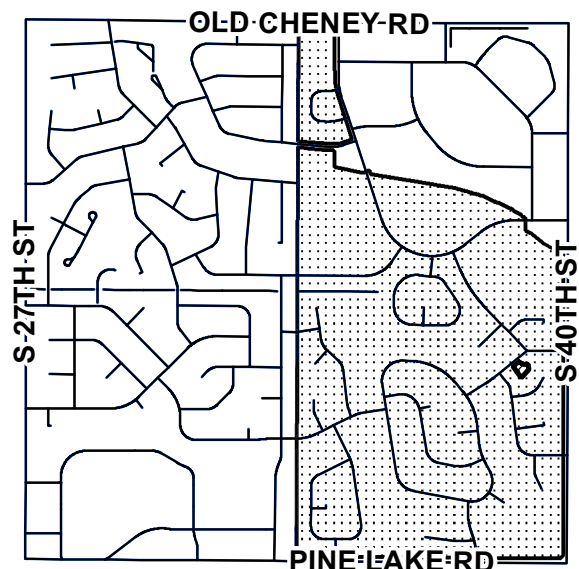
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One Square Mile
Sec. 18 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



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August 25, 2005

HAND DELIVERY

Marvin Krout
Planning Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Waiver to Williamsburg PUD 2531


Dear Marvin:

We represent Jerry and Annette Weber, who are the owners of Lot 1, Block 6, Williamsburg Village Addition, located in the Southeast Quarter of Section 18, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more commonly referred to as 3821 Williamsburg Drive.

The Webers are requesting an Amendment to Williamsburg PUD 2531 to permit a reduction in the rear yard setback for Lot 1, Block 6, Williamsburg Village Addition from 27.5' feet to 20.5' feet. This reduction will allow the Webers to reconstruct a sunroom in the same location where they had an existing screened-in porch, and to finish the project for which they were originally issued a Building Permit.

Enclosed please find the Waiver Application, corresponding fee, and site plan showing the reduction requested. If you have any questions regarding the enclosed, please give me a call.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

DATE: 7/26/05 B/P: 152135

